



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,672	08/22/2003	Kazuhiro Takahashi	03500.012242.2	8393

5514 7590 06/15/2006

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

SHERALI, ISHRAT I

ART UNIT	PAPER NUMBER
----------	--------------

2624

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/645,672	Applicant(s) TAKAHASHI ET AL.	
	Examiner Sherali Ishrat	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 21 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-38 and 44-48 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34-38 and 44-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment/Argument

1. This action is in response to Applicant's amendment/arguments filed on 03/21/2006.

Applicant's arguments are fully considered, however they are moot due to new grounds of rejection which was necessitated due to amendment to the claims.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 34-38 and 44-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Washino et al. (US 5,625,410) in view of Scores et al (US 5,426,513) .

Regarding claim 34 Washino discloses an image capture apparatus (Washino in Figure 7, col. lines 48-52, shows an image capture apparatus i.e camera and PC based image monitoring system) comprising:

an image capture unit that captures images (Washino in Figure 7, col.6, lines 48-52 shows camera which captures images);

Art Unit: 2624

a control unit that controls a number of pixels and a compression ratio of each image (Washino in Figure 7, col.6, lines 62-67, and col. 8, lines 48-50, Washino shows graphics processor performs controlling number of pixels [image size] and compression ratio).

a setting unit adapted to set the number of pixels of each images and compression ratio according to user request (Washino, col. 6, lines 48-52 and col. 8, lines 46-56, system of Washino setting number of pixels and compression ratio).

Washino however has not explicitly disclosed or a setting unit adapted to set the number of pixels of each images and compression ratio individually according to user request.

In the same field of endeavor of image/video transmission Scores discloses a setting unit adapted to set the number of pixels of each images and compression ratio individually according to user request (Scores Fig. 1 and 2 and col. 4, lines 42-46, the operator of the system may select the resolution [number of pixels and compression level [compression ratio] and Figure 2 shows selecting individually number of pixels [resolution] and compression ratio [level] for each image).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to use a setting unit adapted to set the number of pixels of each images and compression ratio individually as shown by Scores in the system of Washino to select the number of pixels of each images and compression ratio individually because such a system provide transmission of

Art Unit: 2624

video images worldwide and through relatively low bandwidth transmission media (Scores, col. 2, lines 26-30) thereby avoiding bandwidth constraints in the video image transmission.

Regarding claim 35, display unit that displays information indicating the number of pixels and the compression ratio selected by the user (Washino in , col. 6, lines 62-67, and col. 8, lines 48-50, Washino shows user selecting number of pixels and compression ratio and in col. 7, lines 1-2, Washino states computer software is provided to implement menu driven management of data bandwidth i.e. Washino system therefore has to display [menu driven] number of pixels and the compression selected by user).

Washino however has not explicitly disclosed display the number of pixels and compression ratio individually.

In the same field of endeavor of image/video transmission Scores discloses display the number of pixels and compression ratio individually (Scores Fig. 1 and 2 and col. 4, lines 42-46, the operator of the system may select the resolution [number of pixels and compression level [compression ratio] and Figure 2 shows selecting individually number of pixels [resolution] and compression ratio [level] for each image and in Fig. 3 Scores shows display unit connected with control processing of video image transmission which obviously would display selected resolution [number of pixels and compression level [compression ratio] individually because in col. 2, lines 47-50, Scores states the object of the invention is to make aware the operator/user of progress of video image transmission).

Art Unit: 2624

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to use a display the number of pixels of each images and compression ratio individually as shown by Scores in the system of Washino because such a system would inform the operator of progress of video image transmission (Scores, col. 2, lines 47-50) thereby avoiding unnecessary transmission of video images in the constraint bandwidth environment.

Regarding claim 36, Washino discloses recording unit that records the image data (Washino in col. 6, lines 29-33 shows image recording unit).

Regarding claim 37, Washino discloses wireless transmitting unit that transmits the image data by wireless transmission (Washino, in col. 3, lines 46-50, shows wireless transmitting unit such as satellite links).

Regarding claim 38, Washino discloses display unit that displays information indicating the number of pixels [image size] and the compression ratio selected by the user (Washino in , col. 6, lines 62-67, and col. 8, lines 48-50, Washino shows user selecting number of pixels and compression ratio and in col. 7, lines 1-2, Washino states computer software is provided to implement menu driven management of data bandwidth i.e. Washino system therefore has to display [menu driven] number of pixels and the compression selected by user),

a recording unit that records the image data (Washino in col. 6, lines 29-33 shows image recording unit), and

a wireless transmitting unit that transmits the image data by wireless transmission (Washino, in col. 3, lines 46-50, shows wireless transmitting unit such as satellite links).

Art Unit: 2624

Washino however has not explicitly disclosed display the number of pixels and compression ratio individually.

In the same field of endeavor of image/video transmission Scores discloses display the number of pixels and compression ratio individually (Scores Fig. 1 and 2 and col. 4, lines 42-46, the operator of the system may select the resolution [number of pixels and compression level [compression ratio] individually/separately and Figure 2 shows selecting individually number of pixels [resolution] and compression ratio [level] for each image and in Fig. 3 Scores shows display unit connected with control processing or user interface of video image transmission system which obviously would display selected resolution [number of pixels and compression level [compression ratio] individually because in col. 2, lines 47-50, Scores states the object of the invention is to make aware the operator/user of progress of video image transmission).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to use a display the number of pixels of each images and compression ratio individually as shown by Scores in the system of Washino because such a system would inform the operator of progress of video image transmission (Scores, col. 2, lines 47-50) thereby avoiding unnecessary transmission of video images in the constraint bandwidth environment.

Regarding claim 44 Washino discloses an image capture apparatus (Washino in Figure 7, col. lines 48-52, shows an image capture apparatus i.e. camera and PC based image monitoring system) comprising:

Art Unit: 2624

an image capture unit that captures image data (Washino in Figure 7, col.6, lines 48-52 shows camera which captures image data); and

a control unit that controls a frame rate, number of pixels and a compression ratio of the image data (Washino in Figure 7, col.6, lines 62-67, and col. 8, lines 48-50, Washino shows graphics processor performs controlling frame rate, number of pixels and compression ratio),

the setting unit set a frame rate, number of pixels individually and a compression ratio of the image data according to a frame rate, number of pixels and a compression ratio selected by a user (Washino in Figure 7, col. 6, lines 62-67, and col. 8, lines 48-50, Washino shows the setting unit setting a frame rate, number of pixels individually [col. 6, lines 64-66] and a compression ratio according to selected by a user [col. 8, lines 49-53 i.e. number of pixels is dependent on compression ratio]).

Washino however has not explicitly disclosed a setting unit adapted to set the number of pixels of each images and compression ratio individually according to user request. In other words in the system of Washino number of pixels is dependent on compression ratio.

In the same field of endeavor of image/video transmission Scores discloses a setting unit adapted to set the number of pixels of each images and compression ratio individually according to user request (Scores Fig. 1 and 2 and col. 4, lines 42-46, the operator of the system may select the resolution [number of pixels and compression level [compression ratio] and Figure 2 shows selecting

Art Unit: 2624

individually number of pixels [resolution] and compression ratio [level] for each image).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to use a setting unit adapted to set the number of pixels of each images and compression ratio individually as shown by Scores in the system of Washino to select the number of pixels of each images and compression ratio individually because such a system provide transmission of video images worldwide and through relatively low bandwidth transmission media (Scores, col. 2, lines 26-30) thereby avoiding bandwidth constrains in the video image transmission.

Regarding claim 45, display unit that displays information indicating the frame rate, number of pixels individually and the compression ratio selected by the user (Washino in , col. 6, lines 62-67, and col. 8, lines 48-50, Washino shows user selecting frame rate, number of pixels individually and compression ratio and in col. 7, lines 1-2, Washino states computer software is provided to implement menu driven management of data bandwidth i.e. Washino system therefore has to display [menu driven] frame rate, number of pixels and the compression selected by user).

Washino however has not explicitly disclosed display the number of pixels and compression ratio individually. In other words in the system of Washino number of pixels is dependent on compression ratio.

In the same field of endeavor of image/video transmission Scores discloses display the number of pixels and compression ratio individually (Scores Fig. 1

Art Unit: 2624

and 2 and col. 4, lines 42-46, the operator of the system may select the resolution [number of pixels and compression level [compression ratio] and Figure 2 shows selecting individually number of pixels [resolution] and compression ratio [level] for each image and in Fig. 3 Scores shows display unit connected with control processing of video image transmission which obviously would display selected resolution [number of pixels and compression level [compression ratio] individually because in col. 2, lines 47-50, Scores states the object of the invention is to make aware the operator/user of progress of video image transmission).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to use a display the number of pixels of each images and compression ratio individually as shown by Scores in the system of Washino because such a system would inform the operator of progress of video image transmission (Scores, col. 2, lines 47-50) thereby avoiding unnecessary transmission of video images in the constraint bandwidth environment.

Regarding claim 46, Washino discloses recording unit that records the image data (Washino in col. 6, lines 29-33 shows image recording unit).

Regarding claim 47, Washino discloses wireless transmitting unit that transmits the image data by wireless transmission (Washino, in col. 3, lines 46-50, shows wireless transmitting unit such as satellite links).

Regarding claim 48, Washino discloses display unit that displays information indicating the frame rate, number of pixels and the compression ratio

Art Unit: 2624

selected by the user (Washino in , col. 6, lines 62-67, and col. 8, lines 48-50, Washino shows user selecting frame rate, number of pixels and compression ratio and in col. 7, lines 1-2, Washino states computer software is provided to implement menu driven management of data bandwidth i.e. Washino system therefore has to display [menu driven] frame rate, number of pixels and the compression selected by user),

a recording unit that records the image data (Washino in col. 6, lines 29-33 shows image recording unit), and

a wireless transmitting unit that transmits the image data by wireless transmission (Washino, in col. 3, lines 46-50, shows wireless transmitting unit such as satellite links).

Washino however has not explicitly disclosed display the number of pixels and compression ratio individually. In other words in the system of Washino number of pixels is dependent on compression ratio.

In the same field of endeavor of image/video transmission Scores discloses display the number of pixels and compression ratio individually (Scores Fig. 1 and 2 and col. 4, lines 42-46, the operator of the system may select the resolution [number of pixels and compression level [compression ratio] individually/separately and Figure 2 shows selecting individually number of pixels [resolution] and compression ratio [level] for each image and in Fig. 3 Scores shows display unit connected with control processing or user interface of video image transmission system which obviously would display selected resolution [number of pixels and compression level [compression ratio] individually because

Art Unit: 2624

in col. 2, lines 47-50, Scores states the object of the invention is to make aware the operator/user of progress of video image transmission).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to use a display the number of pixels of each images and compression ratio individually as shown by Scores in the system of Washino because such a system would inform the operator of progress of video image transmission (Scores, col. 2, lines 47-50) thereby avoiding unnecessary transmission of video images in the constraint bandwidth environment.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

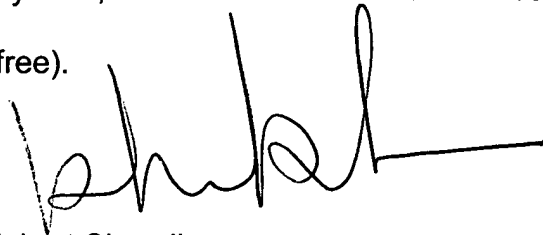
Art Unit: 2624

Communication

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherali Ishrat whose telephone number is 571-272-7398. The examiner can normally be reached on 8:00 AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mathew Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Sherali', with a long horizontal line extending to the right.

Ishrat Sherali

June 7, 2006